

REMARKS

In response to the Office action mail-dated 05 August 2003, reconsideration of the application, as amended, is respectfully requested.

By the instant response: claims 1, 6, 14, 19, 21-23 and 25-29 are canceled; claims 4 is as originally presented; and claims 2, 3, 5, 7-13, 15-18, 20, 24, 30 and 31 are amended. Claims 2-5, 7-13, 15-18, 20, 24, 30 and 31 remain in the application, wherein claims 3, 5, 15, 18, 20, 24 and 31 are now the independent claims.

Being filed concurrently herewith is a "Fee Authorization" charging \$258.00 to Deposit Account No. 50-0958 as payment for filing three extra independent claims.

Preliminarily, Applicant is respectfully proceeding on the assumption that the original drawings are deemed acceptable, as no objection thereto has been raised by the Office action.

Of additional note, in the specification Applicant amends the paragraph beginning at line 276 (page 13) to correct a single typographical error, "nonhomosgeneously" now reading "nonhomogeneously."

35 U.S.C. 112, Second Paragraph

Claims 18, 20 and 23-29 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In consideration of the claim amendments herein, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

Applicant appreciates the Office's guidance regarding indefiniteness problems in the claims.

As discussed hereinbelow, claims 18 and 20 are indicated to be allowable. Claims 18 and 20 are therefore each rewritten herein as an independent claim so as to include all of the limitations of the base claim and the intervening claims. In so doing, Applicant believes that claims 18 and 20 are now devoid of indefiniteness problems. In particular, claims 18 and 20 now lack the word "sufficiently."

Allowable claim 15 is not rejected under 35 U.S.C. 112, second paragraph; nevertheless, in rewriting claim 15 as an independent claim so as to include all of the limitations of the base claim and the intervening claims, Applicant refrains from using the word "sufficiently" as being unnecessary.

As also discussed hereinbelow, claim 24 is indicated to be allowable. Claim 24 is therefore rewritten herein as an independent claim so as to include all of the limitations of the base claim and the intervening claims. In so doing, Applicant believes that claim 24 is now devoid of indefiniteness problems. In particular, claim 24 is amended to be clearer as to the first and second quantities of triboluminescent light emanation.

Rejected claims 23 and 25-29 are canceled in deference to the Office's legitimate indefiniteness concerns.

35 U.S.C. 102

Claims 1, 2, 6-14, 16, 17, 19, 21-23 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sage U.S. Patent 5,905,260.

In consideration of the claim amendments herein, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 102.

In response to the rejection under 35 U.S.C. 102, Applicant herein cancels claims 1, 6, 14, 19, 21-23 and 25-29.

As discussed hereinbelow, Applicant seeks herein to "salvage" rejected claims 2, 7-13, 16, 17 and 30 by amending these claims so as to depend from allowable claims.

Allowable Subject Matter

Claims 3-5, 15, 18, 20, 24 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome any rejections under 35 U.S.C. 112, second paragraph.

Applicant appreciates the Office's favorable consideration of claims 3-5, 15, 18, 20, 24 and 31.

By amendment herein, claims 3, 5, 15, 18, 20, 24 and 31 are each rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims, and so as to overcome any rejections under 35 U.S.C. 112, second paragraph. More specifically: independent claim 3 includes all of the limitations of original claim 1 and original claim 3; independent claim 5 includes all of the limitations of original claim 1 and original claim 5;

independent claim 15 includes all of the limitations of original claim 6, original claim 14 and original claim 15; independent claim 18 includes all of the limitations of original claim 6, original claim 14 and original claim 18; independent claim 20 includes all of the limitations of original claim 6, original claim 19 and original claim 20; independent claim 24 includes all of the limitations of original claim 22 original claim 23 and original claim 24; independent claim 31 includes all of the limitations of original claim 22 and original claim 31.

Applicant respectfully points out that every above-mentioned independent claim is believed to essentially include all of the limitations of the base claim and any intervening claims, notwithstanding the varying degrees of literal deviation from the original text. Certain changes in claim language have been necessitated or motivated by the previously discussed section 112 indefinite problems. Also, in rendering the current amendments, Applicant has sought to avoid duplicative or repetitive recitation and to further coherent claim expression in general.

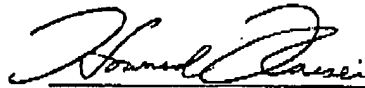
As previously noted herein, Applicant amends rejected claims 2, 7-13, 16, 17 and 30 so as to depend from allowable claims. More specifically: claim 2 now depends from allowable claim 3; claims 7, 8 and 10-12 now depend from allowable claim 18; claims 9, 13, 16 and 17 now depend from allowable claim 15; claim 30 now depends from allowable claim 24. Claims 2, 7-13, 16, 17 and 30 are respectfully urged to be allowable at least for the reasons that their respective base claims are allowable.

In view of the foregoing, Applicant respectfully requests

allowance of claims 2-5, 7-13, 15-18, 20, 24, 30 and 31 as currently presented herein.

The Examiner should please feel free to contact the undersigned at telephone number (301) 227-1834 to discuss any questions concerning this matter.

Respectfully submitted,



HOWARD KAISER
Reg. No. 31,381
ATTORNEY FOR APPLICANT

11/04/03
date

Office of Counsel (Patents), Code 39
Naval Surface Warfare Center, Carderock Division
9500 MacArthur Boulevard
West Bethesda, Maryland 20817-5700
phone (301) 227-1834
fax (301) 227-1968
04 November 2003